



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

SENATE BILL NO. 18

TUESDAY, FEBRUARY 8, 2005

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Keller

AN ACT relating to death certificates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 213.076 is amended to read as follows:

2 (1) A certificate of death or a provisional certificate of death for each death which
3 occurs in the Commonwealth shall be filed with the cabinet or as otherwise directed
4 by the state registrar prior to final disposition, and it shall be registered if it has been
5 completed and filed in accordance with this section. The funeral director, or person
6 acting as such, who first takes custody of a dead body shall be responsible for filing
7 the certificate of death. The funeral director, or person acting as such, shall obtain
8 the required personal and statistical particulars from the person best qualified to
9 supply them over the signature and address of the informant. The funeral director,
10 or person acting as such, shall within five (5) days of the death, present the
11 certificate to the attending physician, if any, or to the health officer or coroner as
12 directed by the state registrar, for the medical certificate of the cause of death and
13 other particulars necessary to complete the record as required by this chapter.

14 (a) It shall be unlawful for an institution to release a dead human body until the
15 funeral director, or person acting as such, has completed and filed with the
16 local registrar or person in charge of the institution, a provisional certificate of
17 death. If death occurs outside an institution, the provisional certificate shall be
18 filed with the local registrar by the funeral director, or person acting as such,
19 prior to final disposition of the dead body. A copy of the provisional
20 certificate of death signed by the person with whom it was filed, shall
21 constitute authority for the possession, transportation, and, except for
22 cremation, final disposition of the body.

23 (b) All persons having in their possession a completed provisional certificate of
24 death shall file the certificate at not more than weekly intervals with the local
25 registrar.

- 1 (c) If the place of death is unknown but the dead body is found in the
2 Commonwealth, the certificate of death shall be completed and filed in
3 accordance with this section. The place where the body is found shall be
4 shown as the place of death. If the date of death is unknown, it shall be
5 determined by approximation subject to amendment upon completion of any
6 postmortem examination required to be performed.
- 7 (d) If death occurs in a moving conveyance in the United States and the body is
8 first removed from the conveyance in the Commonwealth, the death shall be
9 registered in Kentucky, and the place where it is first removed shall be
10 considered the place of death. If a death occurs on a moving conveyance while
11 in international waters or air space or in a foreign country or its air space, and
12 the body is first removed from the conveyance in the Commonwealth, the
13 death shall be registered in Kentucky, but the certificate shall show the actual
14 place of death insofar as can be determined.
- 15 (2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall call
16 attention to the defects in the certificate and require the person responsible for the
17 entry to complete or correct it. The state registrar may also require additional
18 information about the circumstances and medical conditions surrounding a death in
19 order to properly code and classify the underlying cause.
- 20 (3) The medical certification shall be completed, signed, and returned to the funeral
21 director within five (5) working days after presentation to the physician, dentist, or
22 chiropractor in charge of the patient's care for the illness or condition which resulted
23 in death, except when inquiry is required by KRS 72.400 to 72.475. In such cases,
24 and if the cause of death is unknown or under investigation, the cause of death
25 shall be shown as such on the certificate. A supplemental report providing the
26 medical information omitted from the original certificate shall be filed by the
27 certifier with the state registrar within five (5) days after receiving results of the

inquiry as required by KRS 72.400 to 72.475. The supplemental report shall be made a part of the existing death certificate. This report shall be considered an amendment, and the death certificate shall be marked "Amended."~~[the coroner~~

~~shall complete and sign the certificate within five (5) days after receiving results of the inquiry as required by KRS 72.400 to 72.475.]~~ In the absence of the physician, dentist, or chiropractor, or with such person's approval, the certificate may be completed and signed by his associate physician, dentist, or chiropractor, or the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, or a physician employed by the local health department, if the individual has access to the medical history of the case and death is due to natural causes.

(4) If death occurs more than thirty-six (36) hours after the decedent was last treated or attended by a physician, dentist, or chiropractor, the case shall be referred to the coroner for investigation to determine and certify the cause of death. In the event that a coroner is not available to sign the certificate and there is no duly appointed deputy, the county judge/executive shall appoint a competent person to investigate the death and certify to its cause.

(5) (a) The physician, dentist, chiropractor, or coroner who certifies to the cause of death shall return the certificate to the funeral director, or person acting as such, who, in turn, shall file the certificate directly with the Office of Vital Statistics. Any certified copies of the record requested at the time of filing shall be issued in not more than two (2) working days.

(b) In the case of a death in which diabetes was an underlying cause or contributing condition, diabetes shall be listed in the appropriate location on the death certificate by the physician, dentist, chiropractor, or coroner who certifies to the cause of death.

(c) In the case of a death in which diabetes was an immediate, underlying, or

1 contributing cause of or condition leading to death, the physician, dentist,
2 chiropractor, or coroner who certifies to the cause of death shall check "yes"
3 for each of the following questions on the death certificate:

- 4 1. "Did the deceased have diabetes?"; and
- 5 2. "Was diabetes an immediate, underlying, or contributing cause of or
6 condition leading to death?".

7 (6) The Office of Vital Statistics shall provide self-addressed, color-coded envelopes
8 for the funeral homes in the Commonwealth of Kentucky.

9 (7) Three (3) free verification-of-death statements shall be provided to the funeral
10 director by the Office of Vital Statistics for every death in the Commonwealth of
11 Kentucky.

12 (8) The body of any person whose death occurs in Kentucky shall not be interred,
13 deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from
14 or into any registration district, until a provisional certificate of death has been filed
15 with the local registrar of the registration district in which the death occurs. If the
16 death occurred from a disease declared by the Cabinet for Health Services to be
17 infectious, contagious, or communicable and dangerous to the public health, no
18 permit for the removal or other disposition of the body shall be granted by the
19 registrar except under conditions prescribed by the Cabinet for Health Services and
20 the local health department. The Cabinet for Health Services shall identify by
21 regulation those communicable diseases which require blood and body fluid
22 precautions. If a person who has been diagnosed as being infected with a
23 communicable disease for which blood and body fluid precautions are required, dies
24 within a health facility as defined in KRS 216B.015, the facility shall notify any
25 embalmer or funeral director to whom the body will be transported of the need for
26 such precautions. The notice shall be provided by including the statement "Blood
27 and Body Fluid Precautions" on the provisional report-of-death form as prescribed

1 by the Cabinet for Health Services. Lack of this notice shall not relieve any
2 embalmer or funeral director from taking universal blood and body fluid
3 precautions as are recommended by the United States Department of Health and
4 Human Services, Centers for Disease Control for Morticians' Services. No
5 embalmer or funeral director shall charge more for embalming the remains of a
6 person with a communicable disease which requires blood and body fluid
7 precautions than the price for embalming services listed on the price list funeral
8 providers are required to maintain and provide to consumers pursuant to
9 16 C.F.R. Sec. 453.2 (1988).

10 (9) A burial-transit permit for the final disposition issued under the law of another state
11 which accompanies a dead body or fetus brought into the Commonwealth shall be
12 the authority for final disposition of the body or fetus in the Commonwealth and
13 may be accepted in lieu of a certificate of death. There shall be noted on the face of
14 the record made for return to the local registrar that the body was shipped to
15 Kentucky for interment and the actual place of death.


16 (10) Nothing in this section shall be construed to delay, beyond a reasonable time, the
17 interment or other disposition of a body unless the services of the coroner or the
18 health officer are required or the Department for Public Health deems it necessary
19 for the protection of the public health. If compliance with this section would result
20 in unreasonable delay in the disposition of the body the funeral director, or person
21 acting as such, shall file with the local registrar or deputy registrar prior to interment
22 a provisional certificate of death which shall contain the name, date, and place of
23 death of the deceased, the name of the medical certifier, and an agreement to furnish
24 within ten (10) days a complete and satisfactory certificate of death.

25 (11) No sexton or other person in charge of any place in which interment or other
26 disposition of dead bodies is made shall inter or allow interment or other disposition
27 of a dead body or fetus unless it is accompanied by a copy of the provisional

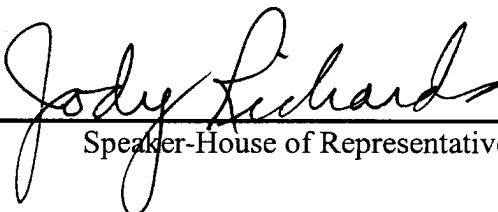
1 certificate of death. The sexton, or if there is no sexton, the funeral director, or
2 person acting as such, shall enter on the provisional certificate over his signature,
3 the date, place, and manner of final disposition and file the certificate within five (5)
4 days with the local registrar.

5 (12) Authorization for disinterment, transportation, and reinterment or other disposition
6 shall be required prior to disinterment of any human remains. The authorization
7 shall be issued by the state registrar upon proper application. The provisions of this
8 subsection shall apply to all manners of disposition except cremation and without
9 regard for the time and place of death. The provisions of KRS 381.765 shall not
10 apply to remains removed for scientific study and the advancement of knowledge.

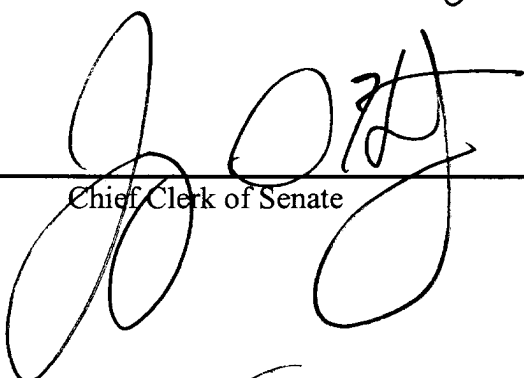
11 (13) After a death certificate has been on file for five (5) years, it may not be changed in
12 any manner except upon order of a court. Prior to that time, requests for corrections,
13 amendments, or additions shall be accompanied by prima facie evidence which
14 supports the requested change.



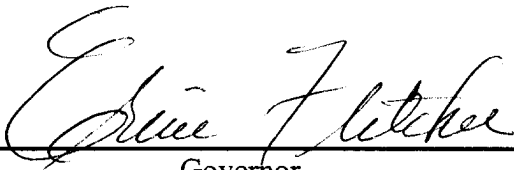
President of the Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 